



## BOARD OF PUBLIC WORKS & SAFETY MARCH 4, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 8:30 a.m.

<b>PRESENT:</b>	Board members Warren Beville, Mayor Henderson, Kevin Hoover (arrived 8:31 a.m.); Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni.
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Mr. Beville moved to accept the minutes of the regular session of February 19<sup>th</sup>. Second was by Mayor Henderson. Vote: Ayes.

Dean McFarland of Heritage Development approached on behalf of the Reserve at Royal Oaks to ask for acceptance of sanitary sewers and acceptance of maintenance bonds. Mr. Peoni confirmed that all improvements are fine in the field and they have received mylar as-builts. The form of the easement and the legal description and exhibit have been approved by both the Engineering and the Law departments. All fees have been paid. Mr. Beville moved, per Mr. Peoni's memo of March 4, 2004, to:

- 1) Accept the sanitary sewers at the Reserve at Royal Oaks.
- 2) Accept the onsite sanitary sewer easement for the sanitary sewers at the Reserve at Royal Oaks.\
- 3) Accept three (3) year maintenance bond #1005753 in the amount of \$32,201.10 for the sanitary sewers at the Reserve at Royal Oaks, all subject to:
  - a) Printed name and title shown on the three (3) year maintenance bond referenced in #3 above approved by the Engineering and Law Departments.

Second by Mr. Hoover. Vote: Ayes.

For O'Brien Chrysler Max Cooper of Projects Plus requested acceptance of performance guarantees, acceptance of the sanitary sewer easement, acceptance of a sidewalk easement grant, grant of limited drainage easement and waiver for dry detention. An existing sanitary sewer line runs behind a former florist shop, explained Mr. Cooper, and the Director of Engineering has asked that they create a sanitary sewer easement. One did not exist, but as a sewer line was on the property, they created the easement. The form of the easement and the legal description and exhibit have been approved by both the Engineering and the Law departments. Again per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) Accept performance Letter-of-Credit (LOC) #00344198 from Bank One in the amount of \$4,034 for the installation of the erosion control at the O'Brien Chrysler Parking Lot Expansion site,
- 2) Accept performance LOC #00344197 from Bank One in the amount of \$2,032.80 for the installation of the sidewalks at the O'Brien Chrysler Parking Lot Expansion site.
- 3) Accept performance LOC #00344196 from Bank One in the amount of \$29,559 for the installation of the dirtwork and storm sewers at the O'Brien Chrysler Parking Lot Expansion site.
- 4) Accept the "Public Sidewalk Easement Grant" from Tom O'Brien Company for the sidewalk that will be installed adjacent to and outside of the State right-of-way along U.S. 31 at the O'Brien Chrysler Parking Lot Expansion site.
- 5) Accept the "Sanitary Sewer Easement" from Tom O'Brien Company for the sanitary sewer that is located along the rear of the property (west property line) at the O'Brien Chrysler Parking Lot Expansion site and allow encroachment in the manner presented and approved by Mr. Meier.
- 6) Accept the "Grant of Limited Drainage Easement" from Tom O'Brien Company for the dry detention area that will be installed at the rear of the property (west property line) at the O'Brien Chrysler Parking Lot Expansion site.
- 7) Allow the waiver for dry detention. The waiver has been reviewed and appears to be in order. Release rates appear to be in compliance with the City of Greenwood Stormwater Drainage & Sediment Control Ordinance. The dry detention area will also be built per the

requirements of the Ordinance. The Engineering Department recommends the use of dry detention for this site – all subject to:

- a) Understanding that repair or replacement of any improvements put in by the petitioner disturbed by activity that the City had to perform would be at the petitioner's cost.

Second by Mr. Beville. Vote: Ayes.

Mr. Cooper then asked for execution of the sub-plat for the Reserve at Timbers Edge. This is an HPR. The initial plat was created at the start of the project, stated Mr. Cooper, and now as each building is built they must physically measure them and place them on the plat. This has been done, and they are asking the Board to execute the amended plat. This will continue as the project continues. Ms. Koons-Davis confirmed that this is the procedure for HPR's. Mr. Hoover moved to execute the sub-plat as presented for the Reserve at Timbers Edge, subject to the Director of Engineering's final review and approval. Second by Mr. Beville. Vote: Ayes.

Donna Smithers of Maurer & Smithers represented Carpet One to ask for acceptance of improvements, release of performance bonds, acceptance of maintenance bond and acceptance of easements. Mr. Peoni confirmed that a field inspection shows that the improvements appear to have been satisfactorily installed. The easements are acceptable to both the Law and the Engineering Departments. Per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) Acknowledge that the private improvements of the dirtwork, storm sewers & erosion control have been installed in reasonable compliance with the design plans for the Carpet One site on State Road 135.
- 2) Accept the public sidewalk that has been installed adjacent to and outside of the State right-of-way along S.R. 135 at the Carpet One site.
- 3) Accept three (3) year maintenance Letter-of-Credit (LOC) #20105324618 from Old National Bank in the amount of \$182 for the sidewalk stated in #2 above.
- 4) Release performance LOC #100177629 in the amount of \$21,035.85 for the installation of the dirtwork and storm sewers at the Carpet One site.
- 5) Release performance LOC #100177630 in the amount of \$3,039.91 for the installation of the erosion control at the Carpet One site.
- 6) Release performance LOC #100177631 in the amount of \$908 for the installation of the sidewalks at the Carpet One site.
- 7) Accept the "Public Sidewalk Easement Grant" from Hollinden, LLC for the sidewalk that has been installed adjacent to and outside of the State right-of-way along S.R. 135 at the Carpet One site.
- 8) Accept the "Grant of Limited Drainage Easement" from Hollinden, LLC for the dry detention area that has been installed at the rear of the property (west property line) at the Carpet One site, all subject to:
  - a) Receipt by the Engineering Department of final mylar as-builts.

Second by Mr. Beville. Vote: Ayes.

On behalf of Woodgate, Section 4 Mike Simon of Republic Development asked for acceptance of improvements, acceptance of maintenance bonds and release of performance bonds. Mr. Peoni reported that the improvements appear to have been satisfactorily installed in the field. The City Attorney has approved the form of the maintenance bond. Mr. Hoover moved to:

- 1) Accept the signs & monuments at Woodgate Subdivision, Section 4.
- 2) Accept three (3) year maintenance bond #1004397 in the amount of \$532 for the signs & monuments at Woodgate Subdivision, Section 4.
- 3) Release performance bond #BE0944726 in the amount of \$2,658 for the installation of the signs & monuments at Woodgate Subdivision, Section 4.
- 4) Accept the asphalt surface at Woodgate Subdivision, Section 4.
- 5) Accept three (3) year maintenance bond #1004398 in the amount of \$3,949 for the asphalt surface at Woodgate Subdivision, Section 4.
- 6) Release performance bond #BE0944724 in the amount of \$19,744 for the installation of the asphalt surface at Woodgate Subdivision, Section 4.

Second by Mr. Beville. Vote: Ayes.

For Woodgate, Section 5 Mr. Simon had the same request for acceptance of improvements and maintenance bonds and release of performance bonds. Regarding the maintenance bonds, Mr. Peoni told the Board that at one time the developer had planned a Section 5A and 5B so the bonds should be amended to state section "5A". Per Mr. Peoni's memo, Mr. Beville moved to:

- 1) Accept the signs & monuments at Woodgate Subdivision, Section 5A.
- 2) Accept three (3) year maintenance bond #1004399 in the amount of \$228 for the signs & monuments at Woodgate Subdivision, Section 5A.
- 3) Release performance bond #885620S in the amount of \$1,140 for the installation of the signs & monuments at Woodgate Subdivision, Section 5A.
- 4) Accept the asphalt surface at Woodgate Subdivision, Section 5A.
- 5) Accept three (3) year maintenance bond #1004400 in the amount of \$1,489 for the asphalt surface at Woodgate Subdivision, Section 5A.
- 6) Release performance bond #885622S in the amount of \$7,441.50 for the installation of the asphalt surface at Woodgate Subdivision, Section 5A, all contingent upon:
  - a) Review and approval of the form of the maintenance bonds stated above by the Law Department.
  - b) Both three (3) year maintenance bonds shall state section "5A", not 5.

Second by Mr. Hoover. Vote: Ayes.

Scott McKinnies of Republic Development LLC appeared for South Tech Park, Phase I to request acceptance of improvements, acceptance of maintenance bonds, release of performance bonds and execution of the plat. Mr. Peoni explained that the project has been long and drawn out. The developer has been asking for acceptance of these improvements since October, 2003. New rules dictate that the plat cannot be executed until the improvements are accepted by the City of Greenwood, Mr. Peoni continued. The improvements have been completed but there have been problems with a ditch along the east side of Graham Road, as it appears that the sidewalks along Graham Road have not been installed to the proper elevation. Also, before the plat is executed by the Board, the onsite improvements by Browning Investments should be inspected, as-builts obtained and if applicable, maintenance bonds provided per the new subdivision control ordinance. Browning Investments has not contacted the Engineering Department to ask that improvements be inspected. After lengthy discussion, focusing on the Browning improvements and the possibility of work needing to be done in the right-of-way, Mr. Hoover moved to:

- 1) Accept the sanitary sewers at South Tech Park, Phase I.
- 2) Accept three (3) year maintenance bond #1000396 in the amount of \$17,275 for the sanitary sewers at South Tech Park, Phase I.
- 3) Release performance bond #B21867264 in the amount of \$86,372.99 for the installation of the sanitary sewer at South Tech Park, Phase I.
- 4) Accept the dirtwork and storm sewers in the public right-of-way at South Tech Park, Phase I.
- 5) Acknowledge that the onsite private improvements of dirtwork and storm sewers installed by Republic Development have been installed in reasonable compliance with the design plans at South Tech Park, Phase I.
- 6) Accept three (3) year maintenance bond #1000397 in the amount of \$96,539 for the dirtwork and storm sewer improvements in the public right-of-way at South Tech Park, Phase I.
- 7) Release performance bond #B21867262 in the amount of \$482,693.75 for the installation of the dirtwork and storm sewers at South Tech Park, Phase I.
- 8) Accept the stone base, asphalt base, asphalt binder and concrete curbs (streets) in the public right-of-way at South Tech Park, Phase I.
- 9) Acknowledge that the onsite private improvements of stone base, asphalt base, asphalt binder and concrete curbs (streets) installed by Republic Development have been installed in reasonable compliance with the design plans at South Tech Park, Phase I.
- 10) Accept three (3) year maintenance bond #1000395 in the amount of \$47,360 for the stone base, asphalt base, asphalt binder and concrete curbs (streets) in the public right-of-way at South Tech Park, Phase I.
- 11) Release performance bond #B21867265 in the amount of \$215,862.08 for the installation of the stone base, asphalt base, asphalt binder and concrete curbs (streets) at South Tech Park, Phase I.
- 12) Execute the plat, to be held by the Engineering Department until the following conditions are met::
  - a) Review and approval of the form of the maintenance bonds stated above by the Law Department.
  - b) All maintenance bonds shall state South Tech Park, not "BUSINESS" Park.
  - c) All maintenance bonds redated to current dates and not August of 2003.
  - d) Review and approval of the final plat by the Engineering Department.
  - e) Payment of all Inspection & Testing fees.

- f) Receipt by the Engineering Department of final approved mylar as-builts.
- g) Installation of all appropriate erosion control
- h) Acceptance of all improvements installed by Browning Investments and receipt of as-builts and maintenance bonds, if required, before releasing the plat.

Second by Mr. Beville. Vote: Ayes.

For Union Federal Bank on South State Road 135, Mila Slepaya of Mid-States Engineering asked for acceptance of the Inspection & Testing Agreement, acceptance of the performance bond and a waiver to allow dry detention. Mr. Peoni indicated that the amount of the performance bond is more than needed; the amounts for the maintenance bonds have been added to it. The developer needs to understand that since all improvements are listed on one performance bond, no partial releases will be granted. Per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) Accept performance bond #8728064 in the amount of \$41,710 for the installation of the dirtwork, storm sewers, erosion control, street improvements, sidewalks, signs & monuments at the Union Federal Site on State Road 135.
- 2) Execute the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify acceptance of the 50% fee.
- 3) Approve the waiver for dry detention. The waiver has been reviewed and appears to be in order. Release rates appear to be in compliance with the City of Greenwood Stormwater Drainage & Sediment Control Ordinance. The dry detention area will also be built per the requirements of the ordinance. The Engineering Department recommends the use of dry detention for this site, all subject to:
  - a) Review and approval of the form for the performance bond stated above by the Law Department.
  - b) The performance bond should actually be for only \$39,949. The maintenance bond amounts have been added into the total. The developer will decide on whether the amount is revised.
  - c) The performance bond should also state "monuments".
  - d) Under project name it would be more beneficial to say "Union Federal Bank".
  - e) Witness to signatures on the Inspection & Testing Agreement.

Second by Mr. Beville. Vote: Ayes.

Fire Chief Steve Dhondt appeared in connection with the annual emergency medical services contract. He recalled that at the last meeting the Board approved negotiations with SEALS Ambulance Service, Inc. Due to a variety of internal issues, as late as yesterday they have chosen not to proceed with the negotiations. Since that time, Chief Dhondt has talked with the General Manager of our current provider, Rural/Metro Ambulance, who indicated they are very willing to negotiate a new contract. The current contract expires April 1, 2004. Chief Dhondt stressed that he felt it was very important for our citizens to test the market and try to ensure we are providing the best service possible. He called Rural/Metro a good partner. Mr. Beville moved to negotiate a contract with Rural/ Metro with terms acceptable to the City Attorney and authorize the Mayor to sign. Second by Mr. Hoover. Mayor Henderson mentioned that the Board had received a letter from Rural/ Metro dated February 26, 2004 when they thought the contract would not be renewed, expressing appreciation for the years of service to the City of Greenwood. Vote: Ayes.

Sanitation Superintendent Keith Meier at this time discussed a proposal from Reve Porter to replace the existing heat and air conditioning unit in the Department of Public Works Building. There have been numerous problems over the last few years especially. The unit is twenty years old, corroded and is deteriorating. The heat exchanger is cracked as well. After discussion, Mr. Hoover moved to approve the replacement of the existing Carrier package unit in the DPW Building per the quote from Reve Porter for \$5,626. Second by Mr. Beville. Vote: Ayes.

Ms. Koons-Davis reported that she had heard from Kim Williams of Omega Rail, who is trying to get the license agreement worked out with the Indiana-Louisville Railroad. They have approved our letter of self-insurance. Ms. Koons-Davis is waiting for certificates of insurance that show our other coverages from David Stace. She will then send those with a letter, give us our license agreement and issue the permit for Atlas to do the work under the railroad. This should be happening in the next several days.

On his Status of Tasks, Mr. Peoni first discussed a letter from Duke Construction (in the attachments of this meeting) regarding a sidewalk bond that has been in place since 1991 for South Park Business

Center. The performance bond is for \$2,200. It is Mr. Peoni's understanding that sidewalks were not required around the perimeter of the property along Emerson and Main Street. However an internal sidewalk plan was produced that was to connect certain businesses within the park. Mr. Carmosino from Duke had not seen the plans. They are interested in pursuing ultimate release from the bond and have offered a restricted donation to the City in the amount of \$5,000. Mr. Peoni thought the Board might want to consider sidewalks along Main Street or along South Park Boulevard. Mayor Henderson suggested having Planning Director Ed Ferguson do some research and find out if the amount of money is sufficient to do the sidewalks Mr. Peoni suggested or if it could be put in the sidewalk fund. This will be discussed at the next meeting.

Mr. Peoni next reported that near the Hurricane Creek Lift Station for the Eastside Interceptor Project, Phase 2A, some bad soils have been found on the Taylor property, going down 50 feet in some areas before reaching solid ground. Several borings have been done to try to determine the extent of the area, and it is a fairly long stretch of ground. A pier system to support the pipe would not be cost effective, commented the Director of Engineering, so staff first asked Mr. Taylor for an alternate easement, to which he was not receptive. Staff then approached the property owner on the south side of CR 750, Mr. Kelsay who understands the position we are in. Mr. Kelsay is willing to work with us, said Mr. Peoni; however, this means we must purchase an easement. Counsel has drafted a resolution for the fiscal body expressing interest in purchasing land, which must be approved before the purchase. The resolution was introduced on March 1<sup>st</sup>. Mr. Peoni asked for permission to hire two appraisers or asked whether he should bring the issue back. Mr. Hoover then moved to authorize the Mayor, on the Board's behalf, to enter into those negotiations with the assistance of staff and take whatever steps are necessary to effectuate the plan for the Eastside Interceptor. Mr. Beville seconded. Mayor Henderson understood that the Board by this motion would give him their authority to make all decisions they would make in conjunction with that interceptor, whether it has to be rerouted or not. Vote: Ayes.

Ms. Myers told the Board she was revisiting vendors for computer software for the Clerk-Treasurer's office. She will get a pricelist, and will try to bring information to the next meeting.

Mr. Beville moved to approve the claims as presented through March 4<sup>th</sup>. Second by Mr. Hoover. Vote: Ayes.

Mayor Henderson reminded the Board that Saturday is the Mayor's Prayer Breakfast at 8:00 a.m. at Jonathan Byrd's.

With no further business, the meeting adjourned at 9:25 a.m.